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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA  
10

11 RANDOLPH L. MOORE,  
12 Petitioner,  
13 v.  
14 WILLIAM GITTERE, *et al.*,  
15 Respondents.  
16

Case No. 2:13-cv-00655-JCM-DJA

**MOTION FOR EXTENSION OF TIME  
TO FILE OPPOSITION TO MOTION  
TO DISMISS SECOND AMENDED  
PETITION FOR WRIT OF HABEAS  
CORPUS**

**(Death Penalty Habeas Corpus Case)**

17 Randolph L. Moore, through counsel, requests an extension of time of 14  
18 days, up to and including October 13, 2020, within which to file his Opposition to  
19 Motion to Dismiss Second Amended Petition for Writ of Habeas Corpus. This is  
20 Moore's third request for an extension of time to file this pleading.  
21  
22  
23

1 This request is made and based on the following declaration of counsel and  
2 the entire file.

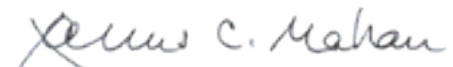
3 DATED this 29th day of September, 2020.

4 Respectfully submitted  
5 RENE L. VALLADARES  
6 Federal Public Defender

7 /s/ Randolph M. Fiedler  
8 RANDOLPH M. FIEDLER  
9 Assistant Federal Public Defender

10 **IT IS SO ORDERED**

11 DATED: October 7, 2020

12  
13 

14 UNITED STATES DISTRICT JUDGE

**DECLARATION OF RANDOLPH M. FIEDLER**

I, Randolph M. Fiedler, declare as follows:

1. I am an attorney at law, admitted to practice before this court, and employed as an Assistant Federal Public Defender. I represent Randolph M. Moore in this capital habeas matter. On April 2, 2020, the State filed a Motion to Dismiss Second Amended Petition for Writ of Habeas Corpus. On June 1, 2020, Mr. Moore filed a motion for extension of time to file his Opposition, in which this Court granted on June 5, 2020, making the opposition due July 31, 2020. Thereafter, Mr. Moore filed a second motion for extension of time on July 31, 2020, in which this Court granted on August 5, 2020, making the opposition now due today September 29, 2020.

2. I am requesting a third extension of time of 14 days, up to and including October 13, 2020, to file and serve this Opposition. This is my third request for an extension of time.

3. Case-related responsibilities have prevented me from devoting sufficient time and attention to this case. Specifically, I have had to devote time preparing a reply to a Motion for Certificate of Appealability in *Hampton v. Shinn*, Case No. 19-99005 in the Ninth Circuit, which is due on October 15, 2020. Further, I filed a Reply to Opposition to Motion for Evidentiary Hearing in *Williams v. Gittere*, No. 2:98-cv-00056-APG-VCF (D. Nev.) on August 19, 2020.

4. I have also had to devote a substantial amount of time in preparation of a two-day evidentiary hearing on October 22nd and 23rd in *Lisle v. Gittere*, No.

1 2:03-cv-1006-MMD-CWH (D. Nev.). This, in particular, has taken time that I had  
2 expected to devote to Mr. Moore's case.

3 5. Additionally, though significant progress has been made in  
4 preparation of Mr. Moore's response to the State's motion to dismiss second  
5 amended petition, the procedural complexity of both the State's motion to dismiss  
6 and this case's history demands more time. The request for an additional 14 days in  
7 which to complete and finalize the response under the circumstances presented is  
8 reasonable and appropriate.

9 6. I appreciate that, when this Court granted my last request, the Court  
10 indicated it would "not look favorably upon any motion to further extend this  
11 deadline." I wish to emphasize that this request is not lightly made and that I have  
12 endeavored to meet today's deadline and made substantial progress.

13 7. This request is not made for the purposes of delay or for any other  
14 improper purpose, but only to ensure that this office provides competent  
15 representation. Nev. R. Prof. Conduct 1.1.

16 8. On September 29, 2020, I contacted opposing counsel in this matter,  
17 Senior Deputy Attorney General Michael Bongard via telephone. Mr. Bongard does  
18 not oppose this request.

19 I declare under penalty of perjury that the foregoing is true and correct and  
20 that this declaration was executed on this 29th day of September, 2020, in Las  
21 Vegas, Nevada.

22 /s/ Randolph M. Fiedler  
23 RANDOLPH M. FIEDLER  
Assistant Federal Public Defender

**CERTIFICATE OF SERVICE**

In accordance with LR IC 4-1(b), the undersigned hereby certifies that on the 29th day of September 2020, a true and correct copy of the foregoing Motion for Extension of Time to File Opposition to Motion to Dismiss Second Amended Petition for Writ of Habeas Corpus was served by the United States District Court, CM/ECF electronic filing system to:

Michael J. Bongard  
Senior Deputy Attorney General  
MBongard@ag.nv.gov

/s/ Celina Moore

An Employee of the  
Federal Public Defender  
District of Nevada